

APCP Council

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Private Carrier

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APCP Council meets in Orlando, discusses spectrum management at 900 MHz

The first item for discussion at the APCP Council meeting, held during the IMCE Expo/Fall in Orlando, Florida, was the current operating rules at 900 MHz. As



John Knight points out the possible impact of rule changes.

more and more licenses have been issued at 900 MHz, the APCP Council has made developing a plan for more efficient operation in this band one of its priorities. By acting now, before the band becomes crowded, the APCP Council hopes to avoid the channel-sharing problems encountered in lower bands.

While the channel-sharing petition recently filed by the Council (see cover story, October 1991, *PC Pages*) would help relieve interference at 900 MHz, the ability to operate regional or wide-area systems would not. Consequently, the idea of loading caps on 900 MHz paging channels was considered, which would allow licensees the ability to construct regional systems.

In light of the extensive discussion, the APCP Council appointed two task forces to study how loading requirements could be used at 900 MHz. The task forces are composed of one group of large operators and one group of smaller businesses. The APCP Council will continue to study this high-priority issue and hopes to draft proposed rule makings in the near future.



Jim Lawson states his case at the Orlando APCP meeting.

Channel sharing petition approved

As reported in the October issue of *PC Pages*, the APCP Council and its members approved the filing of a Petition for Rule Making on channel sharing. The Petition would require the use of terminal connection equipment among licensees when suggested by the frequency coordinating committee. The Petition was unanimously approved by those in attendance and was subsequently filed with the FCC.

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APCP Council plans strategy on earned exclusivity, interconnect rates

by Tamra S. Robinson

More than 20 members attended an impromptu APCP meeting on March 5 in Washington, D.C., to discuss exclusivity at 900 MHz. The APCP Council met at the IMCE/Expo in Las Vegas in mid-February to discuss several issues, earned exclusivity being one of them. The council decided this important issue deserved further discussion and called for the March 5 meeting.

The APCP Council drafted an initial petition on earned exclusivity, which was later amended when APCP members raised several unresolved issues. Following much discussion, a general consensus was reached concerning overall objectives for 900 MHz earned exclusivity. Those objectives were:

1. To manage the PCP spectrum so that the problems experienced at 150 MHz would be avoided
2. To structure any type of rule in such a way as to minimize speculation
3. To maintain open access to PCP frequencies.

In discussing how loading could be measured, the APCP Council agreed that using the number of pagers as a loading threshold would be difficult. Because there are many different types and combinations of pagers, setting loading based on pagers on each frequency would be too complex. Agreement was reached that exclusive assignment could be made contingent upon construction of systems, similar to SMRs. For private carriers, the number of transmitters would be an appropriate requirement for determining exclusivity for local, regional, and national systems. The group further agreed that an adequate construction requirement and timeframe needed to be established so that spectrum speculators would be discouraged by the capital investment required.

APCP Council member Jeffrey Hutter of TWR Communications in Cumberland, Maryland, commented that, as a smaller PCP operator in a rural area, he had some real concerns, which he brought with him to the meeting. "A number of members contributed valuable input at the meeting," Hutter said. "And, I walked away from the meeting pleased that we have a solid workable plan to go to the Commission with."

Hutter commented that one of his biggest concerns was how to keep speculators out. "How are you going to police the number of pagers? All a company would have to do is buy 1,000 pagers and leave them sitting on the shelf," he said. "What came out of the discussion is a

viable method. Now it remains to be seen whether the FCC will back up NABER's coordination of it."

While not all issues surrounding 900 MHz earned exclusivity were resolved, NABER staff was directed to redraft a petition based on construction and timeframe requirements for the council to review.

The discussion reiterated the APCP position that earned exclusivity at 900 MHz is an appropriate method for managing the spectrum. It also affirmed the APCP's desire to craft rules that best serve the entire industry, an important element of which is efficient spectrum management in all PCP bands.

Ad hoc committee on interconnect meets for first time

At the IMCE/Expo in Las Vegas, an ad hoc committee was formed to organize a strategic plan to battle inequitable interconnect rates, designated by the APCP as a high priority for 1992. On Friday, March 6, following the meeting on earned exclusivity at 900 MHz, the ad hoc committee met to gear up for an aggressive campaign against rate inequities.

The committee was fortunate to have two other APCP members at the meeting: Larry Harris of ITS, Inc., who was instrumental in getting an interconnect agreement for common carriers in the 1970s, and Rick Joyce of Joyce and Jacobs, who has represented a number of clients involved in interconnect disputes. Both men contributed their expertise and experience in setting and getting equitable interconnect rates.

The committee emphasized that achieving interconnect rate equality will not happen immediately. Considerable funding for lobbying at the FCC, on Capitol Hill, and at the state level will be needed. NABER staff has been charged with determining a budget for an aggressive campaign, and the committee is drafting a survey of APCP members to gather data on current charges, which will be used in the campaign.

The ad hoc committee's plan of action includes devising a strategy for gaining support and deciding how member involvement would be most beneficial. Grass-roots lobbying efforts will be a crucial element in the campaign's success. The committee will meet again at NABER's Mobile Communications Conference, May 7 through 9 in Washington, D.C. ■

Tamra S. Robinson is editorial assistant for PC Pages.

**Association for Private Carrier Paging (APCP)
Leadership Council Meeting
March 5, 1992
Alexandria, VA**

Council Members Present:

Michael Cutler, Bay Area Paging, Chair
Kevin O'Brien, O'Brien Communications
Jeffrey Hutter, TRW Communications
John Solinger, Beepers Plus
Ron Turner, PageNet
Luis Romero Font, Celpage

Council Members Absent:

Barry Phillips, Dial Page
John Knight, Signet Paging
Doug Glen, Page Mart

Members in Attendance:

William Fitzpatrick, First Page
Ernie Oswalt, MTEL
Gary Carrer, First Page
Lynn Shapiro, Counsel for PageNet
March Stachin, Pactel Paging
Jim Lawson, Pactel Paging
Henry Zachs, Message Center Beepers
Eric Zachs, Message Center Beepers
Garry Morrison, Map Mobile

Staff:

Jay Kitchen, NABER
John Sherlock, NABER
David Weisman, NABER counsel
Alan Tilles, NABER counsel

Summary Minutes of Agenda Items:

I. Welcome and Opening Remarks

Chairman Cutler welcomed all attendees and commented how gratifying it was to see so many members attending a meeting on short notice. Introductions followed.

II. Review of Work to Date

NABER counsel David Weisman reviewed for the group the direction that the council had decided to pursue regarding exclusivity following its meeting in Dallas in December. As instructed, staff circulated to the council in February a draft petition requesting "earned" exclusivity for 900 MHz PCP licensees who met proposed loading thresholds. Council members responded to staff's request for feedback and identified a number of concerns with the petition. Counsel had prepared a summary of council members' written comments on the draft petition and reviewed them briefly at this time. There was a general consensus that the preparation of a draft petition had been very helpful in uncovering remaining problems in making some form of exclusivity.

III. Identification of Issues Still to be Resolved

Chairman Cutler called on council members and attendees to help identify the key issues to be resolved in order to move forward with some form of exclusivity at 900 MHz. Luis Romero Font commented that he felt APCP must pursue developing criteria for exclusive assignments at 900 MHz, rather than earned exclusivity. He also suggested that, along with the exclusivity issue, the council must address the recent channel sharing petition dismissal, fifty pager petition, and the FCC's Direct Access proposal. PageNet offered its support for considering these other issues when addressing the 900 MHz issue, particularly the potential negative impact of Direct Access. It was agreed that the bundling of these items in one rule making might have merit, but that a decision should be deferred until after consensus had been reached on the exclusivity issue.

Pactel suggested that the best way to get the 900 MHz item moving was for the group to pursue the "lowest common denominator" in terms of criteria for exclusivity and then let each affected member offer their comments for fine tuning the concept. Discussion then returned to whether the group should pursue earned exclusivity or exclusive assignment. The consensus was that an exclusive assignment approach had merit, but the requirements to obtain exclusivity had to be sufficiently stringent so as to prevent speculation.

Chairman Cutler summarized the dialogue by suggesting that the two objectives of the 900 MHz exclusivity petition were:

- 1) to provide for rules now that will prevent the 900 MHz paging spectrum from having the severe problems being experienced in the VHF PCP frequencies and;
- 2) to keep speculators out of the 900 MHz PCP spectrum.

With that consensus, the group began exploring how these two objectives could be met through rules allowing for initial exclusivity.

The group turned its discussion to the criteria that should be used to allow for exclusivity. There was consensus that the number of pagers would be difficult, if not impossible, to use because of the wide disparity within the industry of channel loading capacity. Celpage suggested that a minimum number of installed transmitters as a criterion, noting that a different number could be required for gaining exclusivity at the local, regional, and national levels. Building on this suggestion, Alan Tilles explained how the "slow growth" rules at 800 MHz could be applied to PCP. Some concerns were expressed that the small PCP would not be able to meet such financial requirements and would not be able to set up a system at 900 MHz. The group agreed, however, that only licensees who want to pursue exclusivity for their systems would have to meet such requirements, and that licensees who were willing to share spectrum on 900 channels not yet exclusively assigned would still be able to do so. After considerable discussion, Chairman Cutler confirmed that there was consensus that using minimum numbers of installed transmitters should be pursued as part of the exclusivity requirements.

Attention was then turned to the minimum number of installed transmitters that should be required. The group also identified the following additional issues that needed to be decided if transmitters is used as the key criterion:

- number of transmitters required for local, regional and national exclusivity and parameters (# per market, etc.)
- defining market
- transmitter specs
- construction deadlines and result if deadline not met
- criteria for exclusivity (mileage, contours, etc.)

Heavy debate developed regarding the issues noted above. Chairman Cutler reminded the group that meeting the objectives for exclusivity agreed upon earlier, i.e., keeping speculators out and prevention of spectrum management problems like in VHF PCP, should be kept should at the forefront when choosing transmitter minimums. The group agreed. After more than three hours of debate, the consensus was as follows:

- Local: Minimum 6 transmitters/market (market = 6 contiguous sites)
- 8 months construction deadline or lose exclusivity
- Exclusivity within contours
- For top three U.S. markets - min. 18 transmitters
- Regional: Minimum 70 transmitters (covering not more than 12 contiguous states)
- Exclusivity within contours

30 transmitters constructed w/in 8 mos.; remainder w/in 2 yrs. of 8 month anniversary.

National: Minimum 300 transmitters

Nationwide exclusivity (no contours)

30 w/in first yr.; remainder w/in 2 yrs. of 8 month anniversary.

In regard to further defining how contours and transmitter specifications, the group agreed on the following:

Contours: Service contour: 10 miles (local only)
 Interference contour: 70 miles (local and regional)

Transmitters: Minimum 100 watts output capacity
 Simulcast capability
 Must be part of functioning system

Chairman Cutler asked if these were the requirements that the group wanted to pursue in regard to exclusivity. The group agreed.

Deadlines for Follow-up Action

NABER staff agreed to prepare a draft exclusivity petition incorporating the above requirements by the end of March. The group agreed to supply comments back to staff by April 8th. The group agreed that it may be wise to have a meeting with Private Radio Bureau (PRB) Chief Ralph Haller prior to filing any petition. A tentative meeting date of April 13th was set.

Adjournment

Chairman Cutler thanked the group for the hard work on a very complex issue. The meeting was adjourned at 3:40 p.m.